

**City of Hudson, Wisconsin
ORDINANCE No. 5-17**

An Ordinance adopting the newly created of Chapter 240 – Stormwater Management of the Municipal Code of the City of Hudson, Wisconsin.

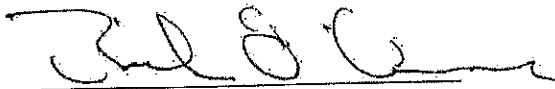
The Common Council of the City of Hudson, St. Croix County, Wisconsin, hereby ordains:

Chapter 240 of the Municipal Code – Stormwater Management of the City of Hudson, Wisconsin, attached hereto and incorporated herein by reference as Exhibit A having been noticed for public hearing and said public hearing having been held on March 27, 2017 is hereby adopted as the Stormwater Management regulations for the City of Hudson, St. Croix County, Wisconsin. Chapter 240 – Stormwater Management will be published as a notice pursuant to Wis. Statutes, Chapter 62.11 (4) (a) and (c)2 as a class I notice under Wisconsin Statutes, Chapter 985 and take effect one day after the publication of the said notice.

Dated this 10th day of April, 2017.

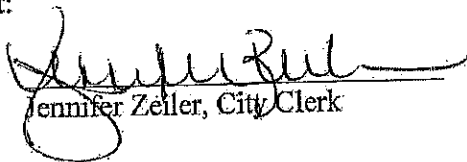
City of Hudson, Wisconsin

By:



Rich O'Connor, Mayor

Attest:



Jennifer Zeller, City Clerk

First Reading:

4-10-17

Date Adopted:

4-10-17

Date Published:

4-20-17

CHAPTER 240. STORMWATER MANAGEMENT

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CHAPTER 240. STORMWATER MANAGEMENT

Article I. Administration

§ 240 - 1. Purpose.

The purpose of this ordinance is to implement the requirements of Wis. Stat. §§281.16, 281.33 and 283.33 and the City of Hudson's Municipal Separate Storm Sewer System (MS4) permit issued by the Wisconsin Department of Natural Resources (DNR), and to take other appropriate measures to manage stormwater quantity and quality to protect public health, safety and welfare.

§ 240 - 2. Definitions.

- A. Unless specifically defined, words and phrases in this chapter shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and is not discretionary.
- B. As used in this chapter, the following terms shall have the meanings indicated:

ATLAS 14

The National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

AGRICULTURAL FACILITIES AND PRACTICES

Has the meaning in Wis. Stat. § 281.16(1).

AVERAGE ANNUAL RAINFALL

A typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM, P8 or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.

BEST MANAGEMENT PRACTICE (BMP)

Structural or non-structural measures, practices, techniques, or devices employed to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, stormwater conveyance systems, or waters of the state by avoiding or minimizing soil, sediment or other pollutants carried in stormwater. BMPs include schedules of activities; prohibitions of practices; general good housekeeping practices; pollution prevention and educational practices; maintenance procedures; treatment practices; operating procedures and practices to control site runoff,

spillage, leaks, sludge, water disposal, drainage from raw materials storage; and other management practices.

CITY

The City of Hudson.

CITY'S DESIGNEE

Employees or agents of the City of Hudson designated to enforce this ordinance.

CONNECTED IMPERVIOUSNESS

An impervious surface connected to the waters of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.

CONSTRUCTION SITE

An area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

CONTAMINATED STORMWATER

Stormwater that comes into contact with material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts or industrial machinery in the source areas listed in Wis. Admin. Code ch. NR 216.

DESIGN STORM

A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.

DEVELOPMENT

Residential, commercial, industrial or institutional land uses and associated roads.

DIRECT CONDUITS TO GROUNDWATER

Wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

DISCHARGE

As defined in Wis. Stat. ch. 283, and any amendments thereto, when used without the qualification includes a discharge of any pollutant to the waters of this state from any point source.

EROSION CONTROL PLAN

A comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

FILTERING LAYER

Soil that has at least a 3-foot deep layer with at least 20 percent fines; or at least a 5-foot deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.

FINAL STABILIZATION

All land disturbing construction activities at the construction site have been completed and a uniform perennial vegetative cover has been established with a density of at least 70 percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.

HAZARDOUS MATERIALS

Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLICIT CONNECTION

Any connection that is either:

- (1) Any drain or conveyance whether on the surface or subsurface, which allows an illegal discharge to enter the stormwater conveyance system or waters of the state. This includes but is not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater and wash water to enter the stormwater conveyance system or waters of the state. It also includes any connections to the stormwater conveyance system or waters of the state from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE

Any discharge to a stormwater conveyance system that is not composed entirely of stormwater except discharges authorized by a WPDES permit or other discharge not requiring a WPDES permit limited to landscape irrigation, individual residential car washing, firefighting, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, flows from riparian habitats and wetlands, and similar discharges.

IMPERVIOUS AREA

An area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, gravel or paved parking lots, and streets shall be considered impervious unless specifically designed to encourage infiltration and approved by the City.

IN-FILL

An undeveloped area of land located within an existing urban sewer service area, surrounded by development or development and natural or man-made features where development cannot occur.

INFILTRATION

The entry of precipitation or runoff into or through the soil.

INFILTRATION SYSTEM

A device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

IMPROVED PARCELS

Those parcels for which the assessed value for structures (as defined in Chapter 255) is greater than zero or would be if the property was taxable.

INDUSTRIAL ACTIVITY

Activities subject to WPDES Industrial Permits as defined in 40 C.F.R. § 122.26(b)(14) or subject to Wis. Admin. Code NR 216.20.

LAND DISTURBING CONSTRUCTION ACTIVITY

Any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes stump removal, demolition, excavating, pit trench dewatering, filling and grading activities. This term does not include agricultural land uses.

MAINTENANCE AGREEMENT

A legal document that provides for long-term maintenance of stormwater management practices.

MAXIMUM EXTENT PRACTICABLE

The highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with § 240-8 of this ordinance.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which regulated under Wis. Admin Code ch. NR 216.

NEW DEVELOPMENT

Development resulting from the conversion of previously undeveloped land or agricultural land uses.

NON-STORMWATER DISCHARGE

Any discharge to the stormwater conveyance system or waters of the state that is not composed entirely of stormwater.

NRCS MSE3 DISTRIBUTION

A specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

OFF-SITE

Located outside the property boundary described in the permit application.

ON-SITE

Located within the property boundary described in the permit application.

OWNER

Any person holding fee title, an easement or other interest in property.

PERFORMANCE STANDARD

A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

PERSON

An individual, owner, operator, corporation, partnership, association, municipality, interstate agency, state agency or federal agency.

PERMIT

A written authorization made by the City's designee to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

PERVIOUS SURFACE

An area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

POLLUTANT

Has the meaning in Wis. Stat. § 283.01(13).

POST-CONSTRUCTION SITE

A construction site following the completion of land disturbing construction activity and final site stabilization.

PRE-DEVELOPMENT CONDITION

The extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

PREMISES

Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

PREVENTATIVE ACTION LIMIT

Has the meaning in NR 140.05 (17), Wis. Adm. Code.

PROTECTIVE AREA

An area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface.

REDEVELOPMENT

Areas where development is replacing older development.

RUNOFF

Stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

SEDIMENT

Settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

SITE

The entire area included in the legal description of the parcel or other land division on which the land disturbing construction activity is proposed in the permit application.

STORMWATER

Runoff from precipitation including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.

STORMWATER MANAGEMENT PLAN

A comprehensive plan designed to control flow rates and volumes, and reduce the discharge of pollutants from stormwater after the site has undergone final stabilization following completion of construction activity.

STORMWATER MANAGEMENT SYSTEM OR STORMWATER CONVEYANCE SYSTEM

The existing stormwater collection system of the City including, but not limited to, storm sewers, retention ponds, detention ponds, ditches, drainageways, streams, wetlands, qualifying receiving water, and all activities undertaken to conserve water, control discharges necessitated by rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

TRANSPORTATION FACILITY

A highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes. "Transportation Facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the department pursuant to Wis. Stat. §281.33.

WASTEWATER

Water carrying domestic sanitary wastewater and/or non-domestic waste.

WATERS OF THE STATE

Has the meaning in Wis. Stat. § 283.01(20).

WPDES STORMWATER DISCHARGE PERMIT

A permit issued by the Wisconsin Department of Natural Resources under Wis. Stat. § 283.33 which authorizes the discharge of stormwater from construction sites, industrial facilities, and selected municipalities to waters of the state.

§ 240 - 3. Appeal.

Any person who is aggrieved by an order, decision or other determination under this Ordinance including but not limited to the issuance of erosion control and stormwater management permits, enforcement orders and the imposition of stormwater utility charges, may file an appeal in accordance with Chapter 5, Administrative Review, Hudson Code of Ordinances.

§ 240 - 4. Enforcement.

The provisions of this Ordinance are subject to the following enforcement provisions at the option of the City in its discretion.

- A. Notice of Noncompliance. Whenever the City finds any noncompliance with the provisions of this article, the City may provide a notice of any noncompliance by personal service, written notice by certified mail, electronic mail, or facsimile transmission of any noncomplying activity. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and

additional enforcement action which may be taken. The City shall attempt to communicate with the owner or person performing the work to obtain immediate and voluntary compliance.

B. Stop Work Order.

- (1) If the owner or person performing the work refuses to voluntarily comply immediately to a notice of noncompliance or the noncompliance presents an imminent danger or will cause or threatens to cause bodily injury or damage to off-site property or the waters of the state, the City shall post in a conspicuous place on the premises, a stop work order which shall cause all activity not necessary to correct the noncompliance to cease until noncompliance is corrected.
- (2) The stop work order shall provide the following information: date of issuance, identification of the property subject to the stop work order, reason for posting and the signature of the inspector posting the order.
- (3) It shall be a violation of the article for the unauthorized removal of the stop work order from the premises.
- (4) In addition to posting a stop work order, the City shall provide notification to the owner or contractor by personal service, written notice by certified mail, electronic mail, or facsimile transmission. The owner or permittee shall have 24 hours to respond to the City and initiate remedial measures to correct any noncompliance.

C. City Remedial Action. If the violations of this Ordinance are not corrected and are likely to result in significant damage to properties, public facilities, or waters of the state, the City's designee may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the City plus interest and legal costs shall be billed to the responsible party.

D. Permit Revocation. The City may revoke a permit issued under this ordinance for noncompliance with this Ordinance or the terms and conditions of the permit.

E. Penalty. Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to forfeiture in accordance with Hudson Code of Ordinances, Section 1-18, for each offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.

F. Injunctive and Other Judicial Relief.

- (1) The City's designee is authorized to refer any violation of this ordinance, or of a stop work order issued pursuant to this ordinance, to the municipal

attorney for the commencement of further legal proceedings in any court with jurisdiction.

- (2) Any condition in violation of any of the provisions of this chapter and declared and deemed a nuisance, may be summarily abated or restored at the violator's expense.
- (3) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or other remedies before resorting to seeking an injunction.

G. Remedies Not Exclusive. The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Article II. Erosion Control and Stormwater

§ 240 - 5. Authority.

- A. This Article is adopted under the authority granted by Wis. Stat. §62.234.
- B. The provisions of this ordinance do not limit any other lawful regulatory powers of the City.

§ 240 - 6. Applicability and jurisdiction.

- A. This Article applies to all construction sites within the jurisdiction of the City involving sites with land disturbing construction activity of one acre or more, or sites less than one acre if they are part of a larger common plan of development or sale under the control of the permittee.
- B. This Article does not apply to the following:
 - (1) Stormwater discharges from projects directed and supervised by the Wisconsin Department of Transportation in accordance with Wis. Admin. Code § NR 216.42(5).
 - (2) Agriculture. Stormwater discharges from planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock, including sod farms and tree nurseries are not regulated by this subchapter. This exemption does not include the construction of structures such as barns, manure storage facilities or barnyard runoff control systems.

- (3) Stormwater discharges from silviculture activities, including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control are not regulated by this subchapter. Clearing and grubbing of an area of a construction site is not a silviculture activity.
- (4) Mill and Crush Operation. If construction activity does not result in land disturbing construction activity including a mill and crush operation that does not have soil disturbance, filling or road shoulder grading, the activity is not regulated under this subchapter.
- (5) Routine Maintenance. Routine maintenance for project sites that involve under 5 acres of land disturbing construction activity that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility is not regulated under this subchapter.

§ 240 - 7. Erosion control and stormwater management permit administration.

- A. Erosion Control and Stormwater Management Permit Required. Any person desiring to undertake a construction activity subject to this ordinance shall obtain an erosion control and stormwater management permit from the City prior to the commencement of the land disturbing construction activity. The permit can be issued as part of a City building permit for the project site or where there is no building permit it can be issued as a separate permit.
- A. Technical Standards. All BMPs required to comply with the ordinance shall meet the design criteria, standards and specifications developed by the Wisconsin Department of Natural Resources under Subchapter V Wis. Admin. Code §§NR 151 or other City approved standards.
- B. Application Requirements. Any person desiring to obtain an Erosion Control and Stormwater Management permit shall submit the following information:
 - (1) An erosion control plan meeting the requirements of Wis. Admin. Code §NR 216.46 and the applicable performance standards in Wis. Admin. Code §NR 151.11 for construction sites (or NR 151.23 for transportation facility sites).
 - (2) A stormwater management plan meeting the requirements of Wis. Admin. Code §NR 216.47 and the applicable performance standards in Wis. Admin. Code §NR 151.121 to NR 151.128 for construction sites (or NR 151.242 to NR 151.249 for transportation facility sites) and Section 240-8.
 - (3) A long term maintenance agreement meeting the requirements of Section 240-12.

- (4) A plan to manage solid waste on construction sites such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste to reduce adverse impacts from stormwater runoff.
- (5) Applicable permit fees set by the City.
- (6) Surety Bond. As a condition of approval and issuance of the permit the City may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control and stormwater management plan.

C. Review and Approval of Permit Application. The City's designee shall review any Erosion Control and Stormwater Management permit in accordance with the following procedures.

- (1) Within 20 days from the date the City of Hudson receives the application, the City shall inform the applicant whether the application materials are approved or disapproved based on the requirement of this ordinance.
- (2) If all the requirements of this ordinance have been met, the City shall approve the application and issue a permit. If all the requirements of this ordinance have not been met, the City shall state in writing the reasons for disapproval. In the case of disapproval, if the applicant reapplies within 30 calendar days from the disapproval notification date, with a revised application, an additional review fee will not be administered and the City will have 20 days to respond to the revised application.
- (3) If within the 20 day application review period, the City determines that the application is incomplete, or requests additional information from the applicant, the City shall have 20 days from the date the additional information is received to review and act on the application.
- (4) Failure of the City to inform the applicant of missing information or of a decision within the 20 days shall be deemed to mean approval of the application and the applicant may proceed as if a permit had been issued.

D. Standard Permit Conditions.

- (1) The erosion control plan components shall be implemented prior to the start of any land disturbing activity and shall be maintained over the duration of the project. Stormwater components of the plan shall be maintained for the life of the project.
- (2) The permittee is responsible for successful completion of the erosion control plan and the stormwater management plan. The permittee shall be liable

for all costs incurred, including environmental restoration costs, resulting from noncompliance with an approved plan.

- (3) Application for a permit shall constitute express permission by the permittee and landowner for the City's Designee to enter the property for purposes of inspection to determine compliance with this Ordinance.
- (4) All incidental mud-tracking off-site onto adjacent public thoroughfares shall be cleaned up and removed by the end of each working day using proper disposal methods.
- (5) A copy of the approved permit and erosion control plan shall be kept on the project site, in a place readily accessible to contractors, engineers, City inspection staff and other authorized personnel.
- (6) The permittee shall perform required inspections of the construction site and also of the post construction site following construction and perform the repairs and/or maintenance required in accordance with NR 216.48(4).
- (7) The permittee shall provide the City notice if there is a material change in design, construction, operation, or maintenance at the construction site which has not otherwise been addressed in the erosion control and stormwater management plans. In such a case an amendment to the permit shall be requested under Paragraph G of this section.
- (8) At the time which land disturbing construction activities have been completed, the permittee shall provide the certification required in Section 240-10.

E. Permit Transfers.

- (1) When a permittee transfers ownership, possession or control of real estate subject to either or both an uncompleted erosion control or stormwater management plan, the successor in interest to any portion of the real estate shall be responsible to control soil erosion and runoff and shall comply with the minimum standards provided in this article; and the permittee shall notify the new owner of this obligation.
- (2) Transfers of interest in real estate subject to an approved but uncompleted plan may be conducted consistent with this article under any of the following arrangements:
 - (a) The transferee files a new, erosion control or stormwater management plan, or both to be approved by the City.

- (b) The transferee obtains an approved assignment from the City as sub-permittee to complete that portion of the approved plan regulating soil erosion and runoff on the transferee's property.

F. Plan or Permit Amendments.

- (1) Any proposed modifications to approved plans, construction schedules or alterations to accepted sequencing of land disturbing site activities shall be approved by the City engineer in consultation with the plan review agency prior to implementation of said changes. This may require an updated plan or modeling depending on the extent of the change.
- (2) The City shall approve or disapprove these changes after the revised information is received from the applicant, but in no case shall the review process extend beyond 20 days.

G. Request for a Variance.

- (1) An applicant may include in the application a request for a variance from the requirements of subchapter.
- (2) No variance shall be granted unless the applicant demonstrates and the City finds that all of the following conditions are present:
 - (a) Enforcement of the standards set forth in this article will result in unnecessary hardship to the landowner;
 - (b) The hardship is due to exceptional physical conditions unique to the property;
 - (c) Granting the variance will not adversely affect the public health, safety or welfare, nor be contrary to the spirit, purpose and intent of this article;
 - (d) The applicant has proposed an alternative to the requirement from which the variance is sought that will provide equivalent protection of the public health, safety and welfare, the environment and public and private property;
 - (e) The net cumulative effect of the variance will not impact downstream conditions; and
 - (f) Existing regional facilities are shown to meet the performance standards of this subchapter.

- (3) If all of the conditions set forth in subsection (2) of this section are met, a variance may only be granted to the minimum extent necessary to afford relief from the unnecessary hardship, with primary consideration to water quality.
- (4) The procedures for public hearing review of variances by the Zoning Board of Appeals shall be those used in Ordinance §255-91.

§ 240 - 8. Post-Construction Performance Standards.

- A. **Applicability.** A site that meets any of the criteria in this paragraph is exempt from the requirements of Section 240-8 of this ordinance:
 - (1) A post-construction site with less than ten percent connected imperviousness, based on the area of land disturbance, provided the cumulative area of all impervious surfaces is less than one acre. However, the exemption of this paragraph does not include exemption from the protective area standard of this ordinance.
 - (2) Agricultural facilities or practices.
 - (3) Underground utility construction, but not including the construction of any above ground structures associated with utility construction.
- B. **Responsible Party.** The responsible party shall comply with this section.
- C. **Applicability of Maximum Extent.** Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the City's designee satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.
- D. **Stormwater Management Plan.** A written stormwater management plan in accordance with Section 240-9 shall be developed and implemented for each post-construction site.
- E. **Maintenance of Effort.** For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of NR 151 in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of this ordinance, whichever is more stringent.

F. Requirements. The stormwater management plan required under sub. D. shall include the following:

(1) TOTAL SUSPENDED SOLIDS. BMPs shall be designed, installed and maintained to control total suspended solids (TSS) carried in runoff from the post-construction site as follows:

(a) BMPs shall be designed in accordance with Table 1. or to the maximum extent practicable as provided in subd. (b) The design shall be based on an average annual rainfall, as compared to no runoff management controls.

Table 1. TSS Reduction Standards	
Development Type	TSS Reduction
New Development	80 percent
In-fill development	80 percent
Redevelopment	40 percent of load from parking areas and roads

(b) Off-Site Drainage. When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

(2) PEAK DISCHARGE.

(a) By design, BMPs shall be employed to maintain or reduce the 1-year, 24-hour; and the 2-year, 24-hour post-construction peak runoff discharge rates to the 1-year, 24-hour; and the 2-year, 24-hour pre-development peak runoff discharge rates respectively, or to the maximum extent practicable. The runoff curve numbers in Table 2. shall be used to represent the actual pre-development conditions. Peak discharges shall be calculated using TR-55 runoff curve number methodology, Atlas 14 precipitation depths in Table 3. and the NRCS Wisconsin MSE3 precipitation distribution.

Table 2. Maximum Pre-Development Runoff Curve Numbers				
Runoff Curve Number	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

Table 3. Atlas 14 Precipitation Depths	
24 Hour Storm Event	Precipitation Depths (inches)
1-year	2.46
2-year	2.82

(b) This subsection of the ordinance does not apply to any of the following:

1. A post-construction site where the discharge is directly into Lake St. Croix.
2. Except as provided under Section 240-8 E., a redevelopment post-construction site.
3. An in-fill development area less than 5 acres.

(3) INFILTRATION.

(a) Best Management Practices. BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following or to the maximum extent practicable:

1. *Low imperviousness.* For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the post-construction site is required as an effective infiltration area.

2. *Moderate imperviousness.* For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.
 3. *High imperviousness.* For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.
- (b) Pre-development. The pre-development condition shall be the same as specified in Table 2 of the Peak Discharge section of this ordinance.
- (c) Source Areas.
1. *Prohibitions.* Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of this section unless demonstrated to meet the conditions identified in Section 240-8 F.(3)(f):
 - i. Areas associated with a Tier 1 industrial facility identified in s. NR 216.21 (2)(a), including storage, loading and parking. Rooftops may be infiltrated with the concurrence of the regulatory authority.
 - ii. Storage and loading areas of a Tier 2 industrial facility identified in s. NR 216.21 (2)(b).

Note to Users: Runoff from the employee and guest parking and rooftop areas of a Tier 2 facility may be infiltrated but runoff from the parking area may require pretreatment.

- iii. Fueling and vehicle maintenance areas. Runoff from rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.
- 2. *Exemptions.* Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:
 - i. Parking areas and access roads less than 5,000 square feet for commercial development.
 - ii. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the Prohibitions under Subsection (c)1.
 - iii. Except as provided under Section 240-8 E., redevelopment post-construction sites.
 - iv. In-fill development areas less than 5 acres.
 - v. Roads on commercial, industrial and institutional land uses, and arterial residential roads.
- (d) Location of Practices.
 - 1. *Prohibitions.* Infiltration practices may not be located in the following areas:
 - i. Areas within 1000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.
 - ii. Areas within 400 feet of a community water system well as specified in s. NR 811.16 (4) or within the separation distances listed in s. NR 812.08 for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial and institutional land uses or regional devices for one- and two-family residential development.
 - iii. Areas where contaminants of concern, as defined in s. NR 720.03 (2), are present in the soil through which infiltration will occur.
 - 2. *Separation distances.*
 - i. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 4:

Table 4. Separation Distances and Soil Characteristics		
Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	Not Applicable
All Other Impervious Source Areas	3 feet or more	Filtering Layer

- ii. Notwithstanding par. b., applicable requirements for injection wells classified under ch. NR 815 shall be followed.
- 3. *Infiltration rate exemptions.* Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is optional:
 - i. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.
 - ii. Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.
- (e) *Alternate Use.* Where alternate uses of runoff are employed, such as for toilet flushing, laundry, or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this section.

(f) Groundwater Standards.

1. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with ch. NR 140. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.
2. Notwithstanding par. 1. the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

(g) Pretreatment. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with subd. (f). Pretreatment options may include, but are not limited to, oil and grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

(h) Maximum Extent Practicable. Where the conditions of subd. (c) and (d). limit or restrict the use of infiltration practices, the performance standard of Section 240-8 F.(3) shall be met to the maximum extent practicable.

(4) PROTECTIVE AREAS.

(a) Definition. In this section, "protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this section, "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, so that runoff cannot enter the enclosure at this location.

1. For outstanding resource waters and exceptional resource waters, 75 feet.

2. For perennial and intermittent streams identified on a U.S. Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.
3. For lakes, 50 feet.
4. For wetlands not subject to par. e. or f., 50 feet.
5. For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.
6. For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include: degraded wetland dominated by invasive species such as reed canary grass; cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.
7. In pars. 4. to 6., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in s. NR 103.03.
8. Wetland boundary delineation shall be made in accordance with s. NR 103.08 (1m). This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after a fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.
9. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.
10. Notwithstanding pars. 1. to 9., the greatest protective area width shall apply where rivers, streams, lakes and wetlands are contiguous.

Note to User: *A stream or lake is not eligible for a lower protective area width even if contiguous to a less susceptible wetland.*

(b) Applicability. This section applies to post-construction sites located within a protective area, except those areas exempted pursuant to subd. d.

(c) Requirements. The following requirements shall be met:

1. Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. If there is no practical alternative to locating an impervious surface in the protective area, the stormwater management plan shall contain a written, site-specific explanation.
2. Where land disturbing construction activity occurs within a protective area, adequate sod or self-sustaining vegetative cover of 70 percent or greater shall be established and maintained where no impervious surface is present. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat, and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion such as on steep slopes or where high velocity flows occur.

Note to Users: *It is recommended that seeding of non-invasive vegetative cover be used in the protective areas. Some invasive plants that should not be used are listed in ch. NR 40, Wis. Adm. Code. Flood and drought-tolerant vegetation that can provide long-term bank stability because of an extensive root system is preferable. Vegetative cover may be measured using the line transect method described in the University of Wisconsin Extension Publication Number A3533, titled "Estimating Residue Using the Line Transect Method".*

3. BMPs such as filter strips, swales, or wet detention ponds, that are designed to control pollutants from non-point sources, may be located in the protective area.

Note to Users: *Other laws, such as ch. 30, Wis. Stats., and chs. NR 103, 115, 116 and 117, Wis. Adm. Code, and their associated review and approval processes may apply in the protective area.*

- (d) Exemptions. This section does not apply to any of the following:
1. Except as provided under Section 240-8 E., redevelopment post-construction sites.
 2. In-fill development areas less than 5 acres.
 3. Structures that cross or access surface water such as boat landings, bridges, and culverts.
 4. Structures constructed in accordance with s. 59.692 (1v), Stats.
 5. Areas of post-construction sites from which the runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the local ordinance requirements for total suspended solids and peak flow reduction, except to the extent that vegetative ground cover is necessary to maintain bank stability.

Note to Users: *A vegetated protective area to filter runoff pollutants from post-construction sites described in par. 5. is not necessary since the runoff at that location is treated prior to entering the surface water. Other practices necessary to meet the requirements of this section, such as a swale or pond, will need to be designed and implemented to reduce runoff pollutants prior to runoff entering a surface water of the state.*

- (5) FUELING AND MAINTENANCE AREAS. Fueling and vehicle maintenance areas shall have BMPs designed, installed, and maintained to reduce petroleum within runoff, so that the runoff that enters waters of the state contains no visible petroleum sheen, or to the maximum extent practicable.

Note to Users: *A combination of the following BMPs may be used: oil and grease separators, canopies, petroleum spill cleanup materials, or any other structural or non-structural method of preventing or treating petroleum in runoff.*

- (6) SWALE TREATMENT FOR TRANSPORTATION FACILITIES.

- (a) Requirement. Except as provided in subd. (b), transportation facilities that use swales for runoff conveyance and pollutant removal are exempt from the requirements of local ordinance requirements for peak flow control, total suspended solids control, and infiltration, if the swales are designed to do all of the following or to the maximum extent practicable:

1. Swales shall be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.

Note to Users: It is preferred that tall and dense vegetation be maintained within the swale due to its greater effectiveness at enhancing runoff pollutant removal.

2. Swales shall comply with sections V.D. (Velocity and Depth) and V.E. (Swale Geometry) with a swale treatment length as long as that specified in Section V.C. (Modeling Parameters) of the Wisconsin Department of Natural Resources Technical Standard 1005 "Vegetated Swales", dated September 2016, or a superseding document. Transportation facility swale treatment does not have to comply with other sections of Technical Standard 1005.

(b) Other requirements.

1. Notwithstanding subd. (a), the City's Designee may, consistent with water quality standards, require that other requirements, in addition to swale treatment, be met on a transportation facility with an average daily traffic rate greater than 2,500 and where the initial surface water of the state that the runoff directly enters is one of the following:
 - i. An outstanding resource water.
 - ii. An exceptional resource water.
 - iii. Waters listed in section 303 (d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to non-point source impacts.
 - iv. Water where targeted performance standards are developed pursuant to s. NR 151.004, Wis. Adm. Code.
2. The transportation facility authority shall contact the City's Designee to determine if additional BMPs beyond a water quality swale are needed under this subsection.

G. **GENERAL CONSIDERATIONS FOR STORMWATER MANAGEMENT MEASURES.** The following considerations shall be observed in on-site and off-site runoff management:

- (1) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater

recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.

- (2) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

H. BMP LOCATION.

- (1) To comply with the performance standards required under Section 240-8 of this ordinance, BMPs may be located on-site or off-site as part of a regional stormwater device, practice or system, but shall be installed in accordance with s. NR 151.003, Wis. Adm. Code.

Note to Users: *This section does not supersede any other applicable federal, state or local regulation such as ch. NR 103, Wis. Adm. Code, and ch. 30, Wis. Stats.*

- (2) The City's Designee may approve off-site management measures provided that all of the following conditions are met:
 - (a) The City's Designee determines that the post-construction runoff is covered by a stormwater management system plan that is approved by the City of Hudson and that contains management requirements consistent with the purpose and intent of this ordinance.
 - (b) The off-site facility meets all of the following conditions:
 1. The facility is in place.
 2. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.
 3. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
- (3) Where a regional treatment option exists such that the City's Designee exempts the applicant from all or part of the minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the City's Designee. In determining the fee for post-construction runoff, the City's Designee consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

I. ADDITIONAL REQUIREMENTS. The City of Hudson may establish stormwater management requirements more stringent than those set forth in this ordinance if

the City of Hudson determines that requirements are needed to control stormwater quantity or control flooding, comply with federally approved total maximum daily load requirements, or control pollutants associated with existing development or redevelopment.

§ 240-9. Stormwater Management Plan.

A. **STORMWATER MANAGEMENT PLAN REQUIREMENTS.** The stormwater management plan required under Section 240-8 D. shall contain at a minimum the following information:

- (1) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of stormwater management practices; and person(s) responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.
- (2) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.
- (3) Pre-development site conditions, including:
 - (a) One or more site maps at a scale of not less than 1 inch equals 100 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed 2 feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all stormwater conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100 year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to s. NR 811.16, Wis. Adm. Code.
 - (b) Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

- (4) Post-development site conditions, including:
 - (a) Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.
 - (b) Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and ordinances.
 - (c) One or more site maps at a scale of not less than 1 inch equals 100 feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site at a scale not to exceed 2 feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all stormwater conveyance sections; location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.
 - (d) Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
 - (e) Results of investigations of soils and groundwater required for the placement and design of stormwater management measures. Detailed drawings including cross-sections and profiles of all permanent stormwater conveyance and treatment practices.
- (5) A description and installation schedule for the stormwater management practices needed to meet the performance standards in Section 240-8.
- (6) A maintenance plan developed for the life of each stormwater management practice including the required maintenance activities and maintenance activity schedule.

- (7) Cost estimates for the construction, operation, and maintenance of each stormwater management practice.
 - (8) Other information requested in writing by the City's Designee to determine compliance of the proposed stormwater management measures with the provisions of this ordinance.
 - (9) All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer to be prepared in accordance with accepted engineering practice and requirements of this ordinance.
- B. **ALTERNATE REQUIREMENTS.** The City's Designee may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Section 240-8 G.

§ 240 - 10. Inspection.

- A. Any permittee subject to an erosion control and stormwater management permit shall conduct site inspections in accordance with NR 216.48(4)
- B. Application for a permit under this article shall constitute permission by the applicant and landowner for the City to enter upon the property and inspect during the construction phase as necessary to confirm compliance with the requirements of this article.
- C. As part of the plan approval process, the City shall determine the minimum number of City inspections required to ensure compliance.

§ 240 - 11. Certification at the Completion of the Construction Activities.

- A. **Notice of Installation and City Review.**
 - (1) Within ten days after installation of all practices in an approved erosion control plan and achievement of soil stabilization, the permittee shall notify the City engineer. The City shall inspect the property to verify compliance with the erosion control plan within ten days of notification of soil stabilization.
 - (2) Within ten days after installation of all practices in an approved stormwater management plan, the permittee shall notify the City. The City engineer shall inspect the property to verify compliance within ten days of notification.
- B. **Certification of Completion.** At the time in which land disturbing construction activities at the construction site have been completed the permittee shall provide a certification including the following:

- (1) That a uniform perennial vegetative cover has been established with a density of at least 70 percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.
- (2) All stormwater improvements were constructed substantially in conformance with the design plans, specifications, and modeling as applicable and that the temporary erosion control BMPs have been removed. Provide as-built plans, including topographic survey of the BMPs, of all permanent stormwater improvements.

§ 240 - 12. Long Term Maintenance.

A long term maintenance agreement shall be required for all permanent stormwater BMPs installed to comply with the requirements of this ordinance. The long term maintenance agreement shall, at a minimum, contain the following information and provisions:

- A. Ownership. Identification of the owner(s) of the land parcel(s) where the stormwater BMP(s) is located.
- B. Long Term Maintenance Plan. A description of all long term maintenance activities that will likely be required for each BMP included in the agreement, and an estimated time interval between each activity;
- C. Access. Authorization for vehicle access, including a minimum 15-foot wide access easement dedicated to the City, to allow for future BMP maintenance work.
- D. Maintenance Responsibility. Identification of the person(s), organization, municipality or other entity responsible for long term maintenance of the stormwater BMP.
- E. Inspections shall be performed by the responsible party. The responsible party shall maintain a log of inspection activities.
- F. Municipal maintenance. Authorization for the City or their designee to carry out any maintenance activities and associated inspections if the entity does not perform the required activity within the specified time period or if the City does not accept the work conducted by the designated entity;
- G. Special Assessment. A statement that the applicable local unit of government may exercise their statutory authority to levy and collect a special assessment or charge pursuant to sub ch. VII of ch. 66 Wisconsin Statutes for any services carried out
- H. Recording. Upon certification of compliance by the City of Hudson, an abridged long term maintenance agreement shall be recorded with the County Register of Deeds referencing any plat, certified survey or other ownership transfer device

pertaining to land which contains the subject stormwater BMP or is subject to maintenance responsibility in the approved agreement. For new land divisions, the recording of the long term maintenance agreement shall occur simultaneously with the recording of the land division. However, no stormwater BMP long term maintenance agreement shall be recorded prior to City of Hudson approval.

Article III. Illicit Discharge and Illicit Connection

§ 240 - 13. Applicability.

This Article shall apply to all water entering the stormwater conveyance system or waters of the state generated on any developed or undeveloped lands unless explicitly exempted by an authorized enforcement agency.

§ 240 - 14. Discharge prohibitions.

A. Prohibition of Illicit Discharges.

No person shall discharge or cause to be discharged into the municipal stormwater conveyance system or waters of the state or watercourses any illicit discharge as defined in §240-2 of this Ordinance.

B. Prohibition of Illicit Connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the stormwater conveyance system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

§ 240 - 15. Inspection and monitoring.

- A. Whenever necessary to enforce any provision of this ordinance or whenever the City has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this ordinance, the City may request to enter such premises at all reasonable times to inspect the same and to inspect and copy records related to stormwater compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.
- B. During any inspection as provided herein, the City may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

§ 240 - 16. Industrial WPDES permit requirements.

The owner or operator of a commercial or industrial establishment subject to a WPDES permit shall comply with their permit including the development and implementation of a stormwater pollution prevention plan (SWPPP).

§ 240 - 17. Notification of spills.

- A. Notwithstanding other requirements of law, including compliance with the Wisconsin Spill Statute, Wis. Stat. ch. 292, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the United States said person shall take all necessary steps to ensure the discovery, containment and, cleanup of such release.
- B. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Hudson's designee within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least seven years. Failure to provide notification of a release as provided above is a violation of this ordinance.